

**REMARKS**

Claims 1-59 were pending in the application.

Claims 1-55 were rejected.

Claims 56-59 were objected to.

Claims 40, 41, and 56-59 have been canceled.

Claims 38, 51, and 55 have been amended.

Claims 60-66 have been added.

Reconsideration and allowance of claims 1-39, 42-55, and 60-66 is respectfully requested in view of the following.

**The Information Disclosure Statements:**

The Applicant respectfully requests that the examiner consider the Information Disclosure Statements filed on August 3, 2004 and January 26, 2005.

**The Objection To Claims 38, 40, 41, 51, and 55:**

Claims 38, 40, 41, 51, and 55 were objected to for a number of informalities. In response, the Applicant has canceled claims 40 and 41, and has amended claims 38, 51, and 55 as suggested by the examiner. No new matter has been added.

**The Rejection of Claims 1, 3-9, and 50-55:**

Claims 1, 3-9, and 50-55 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-16 of U.S. Patent No. 6,739,392.

In response, the Applicant files herewith a Terminal Disclaimer. The present application and U.S. Patent No. 6,739,392 are commonly assigned.

**The Rejection of Claims 2 and 10-49:**

Claims 2 and 10-49 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,640,903.

In response, the Applicant files herewith a Terminal Disclaimer. The present application and U.S. Patent No. 6,640,903 are commonly assigned.

**New Claims 60-63:**

New claim 60 presents the subject matter of objected to claim 56, in independent form. Accordingly, claims 60-63 present allowable subject matter.

**New Claims 64-66:**

New claims 64-66 recite additional aspects of the invention that are not disclosed or suggested by the prior art of record, either alone or in combination.

Unless stated otherwise, none of the amendment to the claims were made for reasons substantially related to the statutory requirements for patentability.

Furthermore, unless stated otherwise, the amendment to the claims were made to simply make express what had been implicit in the claims as originally worded and therefore is not a narrowing amendment that would create any type of prosecution history estoppel.

In addition, to the extent that a formerly dependent claim has now been presented in independent form, the scope of the claim presented in independent form is identical to the former dependent claim, and therefore the scope of the range of equivalents is unaffected by the amendment.

**Conclusion**


In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are drawn to novel subject matter, patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and allow claims presented for reconsideration herein. To the extent that the present amendment results in additional fees, the Applicant authorizes the Commissioner to charge deposit account no. 08-1394.

S/N 10/624,842

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Dated: 2/24/05  
HAYNES AND BOONE, L.L.P.  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 713/547-2301  
Facsimile: 214/200-0853  
File: 25791.151  
H-533559\_1.DOC

Respectfully submitted,

  
Todd Mattingly  
Registration No. 40,298